

## REMARKS

### Status of the Claims

The final Office Action mailed December 11, 2008 noted that claims 1-34 were pending, and rejected all claims. The Office Action on page 2 objected to claims 1, 19-21, 32 and 34. In accordance with the Examiner's suggestions, claims 1, 19-21, 32 and 34 are amended. It is respectfully requested that this amendment be entered to place this application into a better form appeal.

An Appeal Brief is filed concurrently herewith.

### ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because: the amendment of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised and the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


Serial No. 10/684,579

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8/11/9

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